

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KIM SMITH,)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-558
)	
DEVLIN, DIRECTOR, et al.,)	
Defendants.)	

ORDER

Pending before the court is motion filed by plaintiff Kim Smith ("plaintiff") entitled "Objection to Court Order for Appearance." (filed in duplicate at Doc. Nos. 108 and 109). In his motion, plaintiff objects to this court's July 21, 2006 Order (Doc. No. 108) denying his previous motion requesting the court to order staff at the community corrections facility where he resides to bring him to the August 25, 2006, pretrial conference in the above-captioned civil action before this court. The court in its July 21, 2006 Order, upon consideration of plaintiff's motion and defendants' response, and by reason of plaintiff being able to participate adequately in the pretrial conference by telephone, denied plaintiff's request for a court-ordered appearance.

The court construes plaintiff's most recent motion as a motion for reconsideration of the July 21, 2006 Order. A motion for reconsideration is granted only if one of three situations is shown: "(1) the availability of new evidence not previously available, (2) an intervening change in controlling law, or (4) the need to correct a clear error of law or to prevent manifest injustice." Reich v. Compton, 834 F.Supp. 753, 755 (E.D. Pa. 1993).

Because of the interest in finality, at least at the district court level, motions for reconsideration should be granted sparingly; the parties are not free to relitigate issues the court has already decided Stated another way, a motion for reconsideration is not properly grounded in a request for a district court to rethink a decision it has already made, rightly or wrongly.

Williams v. City of Pittsburgh, 32 F.Supp.2d 236, 238 (W.D. Pa. 1998). Plaintiff failed to show any of these three situations. The court, by reason of plaintiff failing to show that a motion for reconsideration should be granted, and by reason of plaintiff being able to participate adequately in the pretrial conference by telephone, denies plaintiff's request for a court-ordered appearance.

By the court:

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

Dated: August 8, 2006

cc: Leta V. Pittman
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